

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

AHMODJATAI BALDWIN,

Case No. 2:20-cv-01254-JAD-NJK

Plaintiff

**ORDER**

v.

CORE CIVIC, *et al.*,

Defendants

**I. DISCUSSION**

On July 6, 2020, Plaintiff, an inmate in the custody of the Nevada Southern Detention Center (“NSDC”), submitted a civil rights complaint and filed an application to proceed *in forma pauperis*. Docket Nos. 1-1, 1. Plaintiff’s complaint and Plaintiff’s application to proceed *in forma pauperis* are both incomplete.

**Plaintiff's Complaint**

Upon review, the Court notes that Plaintiff did not sign the complaint. Docket No. 1-1 at 7. Under Rule 11 of the Federal Rules of Civil Procedure, a plaintiff who is not represented by counsel is required to sign his complaint. Fed. R. Civ. P. 11(a). Because Plaintiff did not sign the complaint, the Court cannot consider it.

As such, the Court grants Plaintiff a **one-time extension** to submit a signed amended complaint to the Court on or before **September 7, 2020**. If Plaintiff chooses to file an amended complaint, he is advised that an amended complaint supersedes (replaces) the original complaint and, thus, the amended complaint must be complete in itself. *See Hal Roach Studios, Inc. v. Richard Feiner & Co., Inc.*, 896 F.2d 1542, 1546 (9th Cir. 1989). Therefore, a mere signature page will not be sufficient. Plaintiff should file the amended complaint on this Court’s approved prisoner civil rights form, and it must be entitled “First Amended Complaint.”

**Plaintiff's Application to Proceed in Forma Pauperis**

Plaintiff has not submitted an inmate account statement with his Application to Proceed *in Forma Pauperis*. Docket No. 1. If Plaintiff has not been at the NSDC facility for a full six-month period, Plaintiff must still submit an inmate account statement for the dates he has been present at the facility.

Under 28 U.S.C. § 1915(a)(2) and Local Rule LSR 1-2, an inmate seeking to begin a civil action in this Court may apply to proceed *in forma pauperis* in order to file the civil action without prepaying the full \$400 filing fee.

To apply for *in forma pauperis* status, the inmate must submit all three of the following documents to the Court:

(1) a completed **Application to Proceed in Forma Pauperis for Inmate**, this Court's approved form (i.e. pages 1 through 3 with the inmate's two signatures on page 3);

(2) a **Financial Certificate** properly signed by both the inmate and a prison or jail official (i.e. page 4 of this Court's approved form); and

(3) a copy of the **inmate's prison or jail trust fund account statement for the previous six-month period**. If Plaintiff has not been at the facility for a full six-month period, Plaintiff must still submit an inmate account statement for the dates he has been present at the facility.

Accordingly, the Court denies Plaintiff's application to proceed *in forma pauperis*, Docket No. 1, without prejudice because the application is incomplete. The Court will grant Plaintiff a **one-time extension** to file a fully complete application to proceed *in forma pauperis* containing all three of the required documents. Plaintiff will file a fully complete application to proceed *in forma pauperis* on or before **September 7, 2020**. Absent unusual circumstances, the Court will not grant any further extensions of time.

If Plaintiff is unable to file a signed amended complaint and a fully complete application to proceed *in forma pauperis*, with complete financial attachments, on or before **September 7, 2020**, the Court will dismiss this case without prejudice for Plaintiff to file a new case with the Court when Plaintiff is able to file a signed amended complaint and a fully complete application to proceed *in forma pauperis*, with complete financial attachments. Alternatively, with respect to

1 his application, Plaintiff may choose not to file an application to proceed *in forma pauperis* and  
 2 instead pay the full filing fee of \$400 on or before **September 7, 2020** to proceed with this case.

## 3 **II. CONCLUSION**

4 For the foregoing reasons, IT IS ORDERED that the Clerk of the Court shall send to  
 5 Plaintiff a copy of his original complaint at Docket No. 1-1. If Plaintiff files an amended  
 6 complaint, he must write the words "First Amended Complaint" in the caption and include his case  
 7 number.

8 IT IS FURTHER ORDERED that, if Plaintiff chooses to file a signed amended complaint,  
 9 Plaintiff will file the signed amended complaint on or before **September 7, 2020**.

10 IT IS FURTHER ORDERED that, if Plaintiff does not file a signed amended complaint on  
 11 or before **September 7, 2020**, the Court will dismiss this action without prejudice for Plaintiff to  
 12 refile the case with the Court, under a new case number, when Plaintiff is able to file a signed  
 13 amended complaint.

14 IT IS FURTHER ORDERED that Plaintiff's application to proceed *in forma pauperis*,  
 15 Docket No. 1, is **DENIED** without prejudice to file a new fully complete application to proceed  
 16 *in forma pauperis* with all three documents.

17 IT IS FURTHER ORDERED that the Clerk of the Court will send Plaintiff the approved  
 18 form application to proceed *in forma pauperis* by an inmate, as well as the document entitled  
 19 information and instructions for filing an *in forma pauperis* application.

20 IT IS FURTHER ORDERED that, on or before **September 7, 2020**, Plaintiff will either  
 21 pay the full \$400 filing fee for a civil action (which includes the \$350 filing fee and the \$50  
 22 administrative fee) or file with the Court:

23 (1) a completed **Application to Proceed in Forma Pauperis for Inmate** on this Court's  
 24 approved form (i.e. pages 1 through 3 of the form with the inmate's two signatures on page  
 25 3);

26 (2) a **Financial Certificate** properly signed by both the inmate and a prison or jail official  
 27 (i.e. page 4 of this Court's approved form); and


28 (3) a copy of the **inmate's prison or jail trust fund account statement for the previous**

1 **six-month period.** If Plaintiff has not been at the facility for a full six-month period, Plaintiff  
2 must still submit an inmate account statement for the dates he has been present at the facility.

3 IT IS FURTHER ORDERED that, if Plaintiff does not file a fully complete application to  
4 proceed *in forma pauperis* with all three documents or pay the full \$400 filing fee for a civil action  
5 on or before **September 7, 2020**, the Court will dismiss this action without prejudice for Plaintiff  
6 to refile the case with the Court, under a new case number, when Plaintiff has all three documents  
7 needed to file a complete application to proceed *in forma pauperis*.

8 IT IS SO ORDERED.

9 DATED: July 9, 2020.

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13 NANCY J. KORPE  
14 UNITED STATES MAGISTRATE JUDGE  
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